

**RULES COMMITTEE  
of the  
Suffolk County Legislature**

**Minutes**

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A regular meeting of the Rules Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **June 17, 2004**.

**Members Present:**

Legislator Allan Binder • Chairman

Legislator Michael Caracciolo • Vice•Chair

Legislator Andrew Crecca

Legislator Jon Cooper

Legislator William Lindsay

**Also in Attendance:**

Mea Knapp • Counsel to the Legislature

Ellen Martin • Aide to Legislator Binder

Nicole DeAngelo • Aide to Presiding Officer Caracappa

Jim Spero • Director/Budget Review Office

Alexandra Sullivan • Chief Deputy Clerk/Suffolk County Legislature

Leonard Grecco • Aide to Legislator Caracciolo

Kevin LaValle • Aide to Legislator Losquadro

Roger Podd • County Executive Assistant/IR

Matt Cohen • County Executive Assistant/IR

Lynne Bizzarro • Chief Deputy County Attorney

All Other Interested Parties

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**Minutes Taken By:**

Alison Mahoney • Court Stenographer

***(\*The meeting was called to order at 3:21 P.M.\*)***

**CHAIRMAN BINDER:**

Everyone please rise for the Pledge of Allegiance.

***Salutation***

The Rules Committee will come to order. The first thing I would like to do is give, I guess, good cheer, well wishes to my staff, Ellen Martin, who has her first grandson or grand anything.

***Applause***

It just happened. And congratulate her on being back here, taking care of all of that business in Baltimore from Maine, driving to Baltimore and being back here for committee meetings and being able to take care of what we needed to take care of, because she really does do all of this in my office and I was kind of wondering what was going to happen if the birth ••

**MS. MARTIN:**

So was I.

**CHAIRMAN BINDER:**

•• happened right today, there would have been a problem.

**LEG. COOPER:**

Ellen, for the record, you dreamed about a boy, right?

**MS. MARTIN:**

I did.

**LEG. COOPER:**

See?

**MS. MARTIN:**

Twice I dreamt about a boy and it was a boy.

**CHAIRMAN BINDER:**

Oh, I forgot about that, you did dream about a boy. Okay, so out of my office as fund•raising, we're going to be •• anyone who wants to know what child they'll be having can come to me and we can kind of work out a deal and we'll have Ms. Martin dream a dream for you and we'll find out what you're going to have.

Okay, is there anyone who wants to speak before the committee?

I don't have any cards.

**INTRODUCTORY RESOLUTIONS**

If not, we have ***1086•04 • Adopting Local Law No. 2004, a Charter Law to create the Real Estate Acquisition Anti•Corruption Reform Act (Binder).***

**LEG. CARACCILO:**

Motion to approve.

**CHAIRMAN BINDER:**

We have a motion to approve by Legislator •• to report by Legislator Caracciolo, second by myself. First let me just ask Counsel if there's any questions on legality.

**MS. KNAPP:**

No legal problems.

**CHAIRMAN BINDER:**

Okay, no legal problems. By way of explanation, since this is my legislation, what this would create •• and I'm going to try to do this as short as possible, it took me a little longer in committee, I went to Ways & Means to explain it. The short way to explain this is it creates a completely professional Department of Real Estate and cuts the ties between the political people, their money and the land acquisition process, puts in an environmental person as the number two person so the environment is represented fully, and then other questions in terms of our information that we get is bolstered and there are a number of other things. And the reason for the title is I guess Mr. Sabatino runs off on you after 15 years of being in the

Legislature, so creative titles seem ••

**LEG. CARACCILO:**

I notice the first WHEREAS clause looks very familiar, too.

**CHAIRMAN BINDER:**

Probably, yes.

**LEG. CARACCILO:**

It looks very familiar.

**MS. KNAPP:**

This was before I got here.

**CHAIRMAN BINDER:**

Right. It started •• it actually •• the original cuts were written by the Chief Deputy, he actually wrote the original version of this before we made some of the changes. Mr. Sabatino had written this bill, this is a change. So it was originally filed under the last administration and one of my points is it was not targeted at this administration, it's targeted basically at corruption and questions of impropriety.

What happened to Mr. Crecca? He's right outside, he's standing. Okay, so we have a motion by Legislator Caracciolo, second by myself, 1086, to report to full committee. On the motion, Legislator Lindsay.

**LEG. LINDSAY:**

I think the main function of the Rules Committee is just to make sure that the bill is structurally sound.

**CHAIRMAN BINDER:**

Yeah, that's one of the things.

**LEG. LINDSAY:**

I personally disagree with the concept but if it's structurally sound we have to pass it out.

**CHAIRMAN BINDER:**

Right, and then on Tuesday I'm sure we can have a discussion about it ••

**LEG. LINDSAY:**

Yep.

**CHAIRMAN BINDER:**

•• if I want to go forward with it; I'd love to talk about it.

We have a motion and a second. All those ••

**LEG. COOPER:**

I would just like to take this occasion, though. I mean, next time •• because there have been occasions where Legislators I believe have voted against reporting a bill out of committee because they don't like the bill, so if that happens again I would hope that the Chairman would ••

**CHAIRMAN BINDER:**

Well, here's the •• let me make this clear. Legislators are independently elected officials and no matter the reason or how we've created the committee or why ••

**LEG. CRECCA:**

Exercise your right.

**CHAIRMAN BINDER:**

•• or what we want to do with the committee, you are independent and I can't make anyone vote in a manner that I think ••

**LEG. COOPER:**

Well, of course not.

**CHAIRMAN BINDER:**

•• is proper.

**LEG. COOPER:**

But remind Legislators from time to time of their moral obligations. If they chose to serve on this committee to abide by the rules of the Rules Committee.

**LEG. BISHOP:**

I understand, but the •• yeah, that's another question, being an arbiter of morality is something that I'm very uncomfortable doing.

**LEG. COOPER:**

But you're so good at it, Allan.

**CHAIRMAN BINDER:**

Well, no, I don't think anybody should do that. Well, not many, let's say, there are not many of us I can think in this whole world that are very good arbiters of morality. So we have a motion and a second on 1086 to report. All those in favor? Opposed? ***1086 is reported to the Legislature for the next meeting (VOTE: 5•0•0•0).***

***1500•04 • Adopting Local Law No. 2004, a Local Law to reform the awarding of Suffolk County government contracts to restore public confidence (Binder).*** I'll make a motion to report, second by Legislator Caracciolo. And by way of explanation, again, this basically says that those who are in positions, various appointed positions around the County who have the ability to influence contracts should not be making calls on behalf of candidates, even if they can get away with it.

The law currently is for fund•raising. The law currently is if a person on the other end says, "I felt pressured," that could be a problem right then and there. But without this subjective question that someone has to come forward, it would seem on its face, as we talk about appearances of impropriety, it appears improper for someone to be able to make calls and get on the phone. If you know who they are and you know they have a lot to do with signing your contract or whether you're going to get a contract, it would seem to me they shouldn't be on the phone asking for money for candidates and that I think is a problem and I think the people need to have confidence that that kind of thing just plain isn't happening. And it kind of

shouldn't according to law, but it kind of •• I would say there's a loophole that you can drive a truck through and this would close that off and people just shouldn't get on the phones and let •• you know, if candidates want to have someone call for them then they should call the local party and have some other people who are not connected to decision making make those calls. I think it's clearly something that can be identified by the public as something that they would blanch at just to hear that it happens.

**LEG. CRECCA:**

Blanch?

**CHAIRMAN BINDER:**

Yes, blanch.

**LEG. CRECCA:**

Improper.

**CHAIRMAN BINDER:**

Because it's improper.

**LEG. COOPER:**

So there's no prohibition on the elected official, let's say, accepting a contribution from, let's say, such a contractor, but it would be prohibited for him to solicit the contribution.

**CHAIRMAN BINDER:**

No, for him to have someone in authority call for him or her. There's a problem's that's gone to the Supreme Court with trying to prohibit, I think, prohibit money coming particularly to candidates as a First Amendment question. But we can •• and there are very specific instances where we have the ability to prohibit certain speech and that would be by people who have the ability to clearly do something improper and have an improper collection to solicitation, so there's a different level of speech there. If you prohibited a person from taking money, you're then having a question, and it's already gone to Supreme Court, about First Amendment rights of people to give and to run the campaign. That's why we make the other stuff voluntary.

**LEG. COOPER:**

I know that Mayor Bloomberg recently proposed an interesting debate in New York City right

now, proposed making it illegal for any elected official in New York City Government to solicit a campaign contribution from a company doing business with New York City; so why would that be legally permissible?

**CHAIRMAN BINDER:**

I don't •• I'm not familiar with his debate. I'm not familiar with his laws.

**LEG. COOPER:**

If I can ask Legislative Counsel.

**MS. KNAPP:**

Okay. This is one that I put •• this is one that when Legislator Binder first came with the bill, I had tremendous First Amendment concerns because there are many cases that deal with freedom of speech as it relates to political contributions. The end result in this proposed Local Law is really quite limited, it prohibits certain exempt employees to solicit contributions, and those are very narrowly defined; Commissioners, Deputy Commissioners, Assistant Commissioners, Directors, Deputy Directors, Assistant Directors, any exempt employee in the County Executive's Office, any exempt employee of the County Legislature, any exempt employee of any individual County Legislator, and any exempt employee who makes recommendations or decisions regarding contracts. So that it is not a broad prohibition but it's a prohibition that is designed to target those people whose solicitation may put them in a compromising position.

**LEG. COOPER:**

Assuming that that is constitutional, and I'm not convinced that it is, but assuming that it is •• and this is maybe a question of the sponsor •• what is the logic in prohibiting my Legislative Aide from soliciting a campaign contribution ••

**LEG. CARACCILO:**

She shouldn't do it.

**LEG. COOPER:**

•• but not prohibiting me from soliciting a campaign contribution of the same individual?



**CHAIRMAN BINDER:**

Well, I think the difference is pretty clear, that you as the Legislator, or Mr. Levy as the County Executive or whoever you are, we basically as we go forward we're ••

**LEG. CRECCA:**

(Inaudible).

**CHAIRMAN BINDER:**

No, we file, we're public figures and what we do becomes public, every conversation we have almost •• just about every conversation becomes a public question. And so I basically feel that elected officials can be taken out where, you know, we have appointed officials who could never go anywhere, they can end up staying in government and they go from government to government and do whatever they're doing, we're the elected official themselves is open to public scrutiny. So if you're taking, let's say, from someone who has a contract with Suffolk County, it's clear, it will be out there. And since we know that your staff didn't solicit it, it was either you or it was someone that was unconnected to the system, so if someone wants to call you to task for it you can •• you'll have to explain why did you get a •• someone can ask you, it's publicly listed, "Did you make the call yourself," the answer is yes or no; if it's no then it had to be someone outside of •• someone who works for you or someone who signs those contracts and that's •• but I think if elected officials make those calls, they do it for themselves and I think they're up •• we are the ones that are open to public scrutiny because we're candidates.

**LEG. COOPER:**

But what is it that you're trying to prevent by putting in place this prohibition on lower level appointed employees from soliciting contributions?

**CHAIRMAN BINDER:**

It's not just lower level, there's •• you can hear there are Commissioners, Deputy Commissioners.

**LEG. COOPER:**

No, but lower level, i.e., they work for the County Executive so there's no prohibition on the County Executive.

**CHAIRMAN BINDER:**

Right, because mostly the people who would be making those calls are the people who usually have a lot of control, a lot more control than even the elected officials, believe it or not, because the elected officials look at a whole government where individuals have responsibilities in very specific areas often. And so they'll get on the phone and that is the specific contact point, often, for the person who wants to make a contract and then they get a call from a person who they have to actually submit the contract to.

Now, I can tell you, I'll be blunt, I've had a number of calls in my office from people who want to contract or have contracted or are contracting with Suffolk County government, and the word that was used was strong•armed; they felt very strong pressure to participate in fund•raising activities. And those •• and that, by the way, is not specific to this administration, I think it started before this administration, and that's I think •• it was very upsetting to hear how hard people are being pushed and the understanding that there is •• now, who is not calling? Well, the person not calling usually is the elected official because I think the elected official would be putting themselves in a lot of risk and I don't think elected officials will put themselves at that risk to do exactly that because they're public officials; and maybe they're being overhead, especially in this environment. I think elected officials is wrong, but I think non elected officials are clearly making these calls, clearly soliciting funds, clearly have a lot of control over whether people get or don't get contracts and can make sure how things work and that is if not, in fact, the perception of those who want to contract or do contract with the County. I literally have not heard, and if you have I'd like to know, abuses on the side of actual elected officials. I mean, we're a lot more careful because we are public figures, so I don't hear, you know, "I got a call from an elected official and boy, that was behind my back" or whether it's County Executive Levy or ••

**LEG. COOPER:**

Are we off the record here?

**CHAIRMAN BINDER:**

No, no, we're not off the record.

**LEG. COOPER:**

I'm being facetious; I'll talk to you later.

**CHAIRMAN BINDER:**

Yeah, I don't •• well, I don't hear about it, I hope I wouldn't. I would think that •• because public officials should be a lot more careful because if it ever comes out that a public official made that particular call, and I can tell you under New York State Law, I think it's New York State Law that says that if the person on the other end of that call felt that there was undo pressure, could bring an action, the elected official would not enjoy the public scrutiny that would come from that and an elected official I think, I would hope, would be a lot more reticent to do it. But I think that people who work under elected officials are a lot less reticent to do it because I think, a lot of them think that they see it as part of the job and how to get a head or how to stay in the job is to produce and that's why I kind of make a very big differentiation between someone who is a public official in a very public spotlight who has to be careful about every call, and should be because those calls become public, to someone who really out of desperation may just see this as their ticket to stay around. And the calls I've gotten in my office pertain to those from the worker, not the candidate.

**LEG. COOPER:**

And does this apply only to those in supervisory or administrative positions, director positions?

**CHAIRMAN BINDER:**

It was very specific, I think Counsel just went through the •• she can go through it again, it was very specific and I have to be very specific otherwise than I have a First Amendment violation problem myself and that's why we did it this way.

**MS. KNAPP:**

The comment Legislator Cooper made is well taken that, you know, the issue of how extensive the First Amendment Right is, particularly with political speech, is not easy to answer, and there are many, many, many cases. So the list is specific, it's Commissioners, Deputy Commissioners, Assistant Commissioners, Directors, Deputy Directors, Assistant Directors, any exempt employee in the County Executive's Office, any exempt employee of the County Legislature as a whole, any exempt employee of any individual County Legislator, any exempt employee who makes recommendations or decisions regarding contracts entered into by the County of Suffolk.

**LEG. LINDSAY:**

Mr. Chair?

**CHAIRMAN BINDER:**

Mr. Lindsay.

**LEG. LINDSAY:**

Yeah, I'll repeat my question; is the bill structurally sound, Counsel?

**MS. KNAPP:**

And again, this is one that I, you know, put an awful lot of time and effort into looking at the cases. There are many cases, every one of them is fact driven, it is very specific and directed which I believe will survive scrutiny.

**LEG. LINDSAY:**

Okay. Then I'll make a motion that we approve it on that basis.

**CHAIRMAN BINDER:**

Report it, right.

**LEG. LINDSAY:**

And again, I have a problem with the concept, I think you're making it very, very difficult for a common person to run for office. Legislator Cooper talked about Mayor Bloomberg before, I could see why he would sponsor legislation like that when you finance your own campaigns at \$70 million of your own money. But I think •• you know, let's report it out.

**CHAIRMAN BINDER:**

Without extending the debate, I would say it's actually the opposite; the command person doesn't have a problem because the people working for them are not working for government so they have •• they don't have a conflict, they should be able to raise the money. It's the people who are actually in who have people who have the ability to sign the contract who have to think about who's going to be asking for the money.

**LEG. LINDSAY:**

And we should put something in the law that would restrict anybody that has a pending contract with County government from being solicited for money.

**CHAIRMAN BINDER:**

That's the first •• right, but the problem ••

**LEG. LINDSAY:**

Instead of getting to the point ••

**CHAIRMAN BINDER:**

That's the First Amendment problem; I understand what you're saying.

**LEG. LINDSAY:**

Instead of these broad restrictions because it is going to make it much more difficult for elected officials to raise money.

**CHAIRMAN BINDER:**

Right. My problem with that is the First Amendment problem we can talk about also on the record, but I don't think that would survive court scrutiny. So we have a motion to report and a second. All those in favor? Opposed? ***1500 is reported to the full Legislature (VOTE: 5•0•0•0).***

***1503•04 • Adopting Local Law No. 2004, a Local Law to jumpstart and accelerate the County's Affordable Housing Program (Presiding Officer at the Request of the County Executive).***

**LEG. CARACCILO:**

Explanation.

**CHAIRMAN BINDER:**

Okay, let me just •• do we have a motion to report?

**LEG. LINDSAY:**

Motion.

**LEG. COOPER:**

Second.

**CHAIRMAN BINDER:**

Motion by Legislator Lindsay, second by Legislator Cooper. If I can have Counsel tell us about any legal questions and what exactly this is.

**MS. KNAPP:**

It came out of •• actually the Affordable Housing Committee I think meet on this one.

**CHAIRMAN BINDER:**

Right.

**MS. KNAPP:**

This is •• in 2000 the Legislature enacted a program that allowed towns and not•for•profits to work with the County on financing land, there were a number of different components to the program; this basically takes those proponents and bills on them substantially, allows money, makes money available for infrastructure improvements, it broadens some of the parameters in terms of reaching what they call work force housing as opposed to affordable housing, in some instances where it was like 60% of median income, it was amended to be 80% of a median income. It basically takes the program and broadens it.

**LEG. CARACCILOLO:**

How does this complement the affordable housing resolution that was recently adopted?

**MS. KNAPP:**

I'm not sure. When you said the one that was recently adopted ••

**LEG. CARACCILOLO:**

Right, the one that was vetoed by the County Executive and overridden by the Legislature.

**MS. KNAPP:**

That •• the one that the veto was sustained on or a different one?

**LEG. CARACCILOLO:**

Oh, was it sustained?

**MR. TASSONE:**

Yes.

**LEG. CARACCILOLO:**

Okay.

**MS. KNAPP:**

The one that required 15% to be affordable if they were looking for ••

**LEG. CARACCILOLO:**

Right, right.

**MS. KNAPP:**

I believe that one was •• the veto was sustained on that one I think. That was a different bill in that that bill required that if the Health Department were being asked to consider a new chromoglass unit or building a sewage treatment plant, that the builder be required to allocate 15% as affordable. This one basically works still more with the municipalities and the not•for •profit organizations, although for•profit builders are included in the new program, too. It is a much broader •• this one is much broader. The first resolution of Legislator Caracappa's was specifically targeted, this is a much more full•blown program. Again, it was a full•blown program back in 2000 and it has been expanded and extended.

**LEG. CARACCILOLO:**

Okay. Is anyone here from the County Executive's Office that could just summarize exactly what the goals and objectives of this legislation is and whether this is modeled after another program someplace else?

**MR. ZWIRN:**

Yes, Legislator Caracciolo, it is modeled after the DiNapoli/Balboni bill that has had broad support across the State. It complements Legislator Caracappa's bill in the sense that it is broader, as Counsel has said. I mean, that bill was very well intentioned but it just didn't meet certain criteria and the veto was sustained rather overwhelming because of that, not because the concept was not supported. This bill has gotten broad support from the building community and from affordable housing advocates across the Island, it has been supported across the

State and it really does make the people more eligible for affordable housing under the law as was previously, it raises the amount of money that people can earn, it raises the amount of rent that they're entitled to receive and it broadens the housing that's available. So I would hope that the committee would follow suit with the •• it was at committee today, the Ad Hoc Affordable Housing Committee, I think it passed with unanimous support at that level.

**LEG. CARACCILO:**

And with respect to the goals and timetables, what is the objective as far as where we would like to be and what we would like to see accomplished in the next three years with affordable housing units; will we have a goal?

**MR. ZWIRN:**

I •• Marion Zucker who is head of Affordable Housing for the County could probably answer those questions much more fully and she probably did at the committee this morning; I wasn't at that meeting. But I know they're ready to go and they're going to hit the ground running on this and I think the program will be very successful; that's all I can give you right here.

**LEG. LINDSAY:**

Legislator Caracciolo, if you'd permit an interruption.

**LEG. CARACCILO:**

Sure.

**LEG. LINDSAY:**

Before I was here, the Legislature allocated like \$20 million in a program to subsidies affordable housing for a whole bunch of good reasons. The program hasn't been tapped adequately, there's only been two developments that I know of that have used that program primarily because the rules were very restricted. This makes it easier to access the money for a profit, non•profit, village, town, they could use •• they could apply to us for a grant for like infrastructure improvements which they couldn't do before. It raises the spectrum of how much a person can earn, it takes it out of the affordable range into the work force housing range. That we can finally start providing meaningful housing for young professionals, people that want to stay in our community that are just getting out of college and they can't afford to live here. It really is really a good bill in terms of making the rules more realistic on how to access the



money, it doesn't put any more into money into the pot but it makes the money that we have in the pot more accessible to a whole broad spectrum of villages, towns, not•for•profits, anybody that has a mind to try and develop a work force housing.

**MR. ZWIRN:**

There's also \$15 million that's been tagged by the County Executive in this bill that can be used for infrastructure and to use that money is much more flexible than it's been in the past.

**LEG. CARACCILO:**

And the source of that \$15 million?

**MR. ZWIRN:**

That's coming out of the •• it's part of the Capital Budget and Program.

**LEG. CARACCILO:**

Okay, so it's included in the Capital Program and Budget, okay.

All right, it's worth a try.

**CHAIRMAN BINDER:**

Legislator Cooper?

**LEG. COOPER:**

No.

**CHAIRMAN BINDER:**

Oh, okay. No more discussion. If not, we have a motion and a second to report. All those in favor? Opposed? **1503 is reported (VOTE: 5•0•0•0).**

**1508•04 • Adopting Local Law No, a Local Law licensing businesses which service portable fire extinguishers and automatic fire extinguishing systems (Bishop).** Motion by Legislator Crecca, second by Legislator Cooper to report to the next Legislative meeting. All those in favor? Is there •• let me ask if there are any questions on legality with 1508.

**MS. KNAPP:**

No, it's a licensing law.

**CHAIRMAN BINDER:**

And we have the ability to do that under Municipal Law. All those in favor? Opposed? **1508 is reported out (VOTE: 5•0•0•0).**

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**SENSE RESOLUTIONS**

We'll do the Sense Resolutions.

***Sense 51•2004 • Memorializing Sense Resolution requesting the State of New York to Continue the "Power for Jobs" Program (Viloria•Fisher).***

**CRECCA:**

Motion.

**LEG. CARACCILO:**

Explanation.

**CHAIRMAN BINDER:**

I'm not sure what it is, I don't know, do we have it here? What is the Power For Jobs Program, power to the people or something?

**MS. KNAPP:**

The Power For Jobs Program was originally started by the New York Power Authority and it makes lower cost power available to start up businesses and businesses that agree to either increase their work force, or in some cases if there was a real threat of relocation the Power For Jobs Program would provide them with electric power, cheaper electric power. It is only for businesses and this one was sponsored by Legislator Vivian Viloria•Fisher because apparently she has a company in her district who nearly doubled the number of employees since they were able to access this power.

**LEG. CARACCILO:**

Okay.

**CHAIRMAN BINDER:**

Okay.

**MS. KNAPP:**

And it was slated to expire; I mean, that's I guess the most important point, it is slated to expire.

**CHAIRMAN BINDER:**

Sounds like a good •• good program. We have a motion by Legislator Crecca, second by Legislator Cooper to •• Lindsay, sorry. Second by Legislator Lindsay to report out. All those in favor? Opposed?

***Sense 51 is reported (VOTE: 5•0•0•0).***

***Sense 52•2004 • Sense of the Legislature Resolution requesting New York State to allow tax free gasoline for the July 4th and Labor Day weekends (Carpenter).***

**LEG. CRECCA:**

Motion.

**LEG. COOPER:**

Second.

**CHAIRMAN BINDER:**

Motion by Legislator Crecca, second by Legislator Cooper.

**LEG. CARACCILO:**

On the motion.

**CHAIRMAN BINDER:**

On the motion, Legislator Caracciolo.

**LEG. CARACCILO:**

Yes, Mr. Chairman. I see this is one of three Sense Resolutions that would cost the County revenue.

**LEG. CRECCA:**

There's a lot of gas resolutions on.

**LEG. CARACCILO:**

Jim, could you first with respect to this resolution, Sense 52, give us some idea of what type of impact, negative financial impact it would have? This seems to be the most reasonable of the three, so let's start with this one.

**MR. SPERO:**

As you know, the sales tax on gasoline is the same as any other taxable item you purchase. I believe Robert came up with an estimate of about \$40 million we may make from gasoline sales taxes and to try to isolate what that might be for the July 4th and Labor Day Weekends would be difficult if not •• it would be a guesstimate in all probably because it's just hard to determine how much people might be driving over those two particular weekends. So obviously there would be some loss of revenue to the County General Fund which will impact how we prepare our 2005 Budget.

**LEG. CARACCILO:**

A \$40 million impact, that would be revenue that would be forfeited from the General Fund.

**MR. SPERO:**

That's correct. I would just make one observation and that is your demand for gas is relatively inelastic, that is whether the price is high or low, the demand is relatively constant, so people have to buy gasoline to commute to work and for other purposes. To the extent that the price of gasoline goes up, that would eat into the discretionary income people have for other •• for purchase of other taxable items. So while we may see a bit of a bubble because of the spike in gasoline prices, it does eat into sales for other goods and services.

**LEG. CARACCILO:**

Thank you.

**MR. SPERO:**

So it's not all gravy, so to speak.

**CHAIRMAN BINDER:**

All right, we have •• did we get a motion on that?

**LEG. COOPER:**

There's a motion and a second.

**CHAIRMAN BINDER:**

A motion we have and a second, I have that? Yes. All those in favor? Opposed? ***Sense 52 is reported out (VOTE: 5•0•0•0).***

***Sense 53•2004 • Sense of the Legislature Resolution in opposition to changes in welfare/health care policies in proposed 2004 New York State budget (Viloria •Fisher).*** Motion by Legislator Cooper, second by Legislator Lindsay to report out Sense 53. All those in favor? Opposed? ***Sense 53 is reported (VOTE: 5•0•0•0).***

***Sense 55•2004 • Memorializing Resolution in support of State of New York legislation to exempt gasoline from sales tax for the summer season (Alden).***

**LEG. CARACCILO:**

Motion to report.

**CHAIRMAN BINDER:**

Motion to report.

**LEG. CARACCILO:**

It ain't going anywhere.

**CHAIRMAN BINDER:**

Motion by Legislator Caracciolo, second by Legislator Cooper.

All those in favor? Opposed.

**LEG. CRECCA:**

Abstain.

**CHAIRMAN BINDER:**

Abstain by Legislator Crecca; he slides that in there.

***Reported (4•0•1•0 Abstention: Legislator Crecca).***

***And Sense 56•2004 • Sense of the Legislature Resolution requesting a cap on sales tax on gasoline (Binder).*** I'll make the motion, second by Legislator Cooper. On the motion, would you like me to explain it before you ask?

**LEG. CARACCILOLO:**

What is the cap?

**CHAIRMAN BINDER:**

Right, let me explain. I think it's a •• I'm very concerned of the •• yes, it's not the cap that I'm wearing, right, it's a different kind of cap. It is a concern that government is almost routing for gas prices to go through the roof. And so what I would propose is that since they have already gone up a very large amount and they are laden with other taxes outside of sales tax, excise tax, all these other taxes in New York State which is different than milk and other products •• they have commodities that have gone up also expediential •• because of that I would say that we should not be reaping a windfall, we should stop at \$2, that should be the tax we should continue to collect. If it continues to rise the price of gas, it should be indexed for inflation rather than for the rise in gas price, if it goes down then of course then the tax should go down.

**LEG. CARACCILOLO:**

Sound good/feel good.

**LEG. COOPER:**

Would you consider the same, Mr. Chairman, for milk prices?

**CHAIRMAN BINDER:**

I just said ••

**LEG. CRECCA:**

He just said that.

**CHAIRPERSON CARPENTER:**

And I explained, if you had listen ••

**LEG. COOPER:**

I have to start paying attention when you talk, I guess.

**CHAIRMAN BINDER:**

You should. I mentioned that the difference between this and other things that have also gone up like that is because •• and I said milk specifically and other things is because there are many other taxes that this is laden with, the excise taxes and other taxes, it's besides sales tax. And so government not only in sales tax but in all these taxes expedientially takes in ••

**LEG. CRECCA:**

(Inaudible).

**CHAIRMAN BINDER:**

No, there isn't. Right, there's not even a tax on it.

**LEG. COOPER:**

You used that as an example.

**CHAIRMAN BINDER:**

Well, I didn't, he did next to me, Crecca did. I just said and other commodities that might be going up expedientially, I used the word commodity.

**LEG. CRECCA:**

Your losing the audience.

**CHAIRMAN BINDER:**

All those in favor? Opposed? ***Sense 56 is reported out (VOTE: 5•0•0•0).***

Anything else to come before committee? If not, we are ••

**LEG. CRECCA:**

Recess the meeting.

**CHAIRMAN BINDER:**

Oh, yeah. You know what I'm going to do? Rather than •• let me make a motion to recess, second by Legislator Crecca, to 12:30 on Tuesday during the full Legislative meeting. And the reason I'm going to do that, there is going to be a Home Rule Message to come before us, we're going to have a quick continuation of this meeting at 12:30 to 12:35 P.M., it shouldn't take more than five minutes, there's an individual that this has happened on Home Rule Messages who need to be fit into the pension system and so we're going to have to discuss that. And it's not written yet so it's going to be laid on the table and then we'll consider whether we want to put it out to the full Legislature on that day. So I make a motion to recess, second.

**LEG. LINDSAY:**

At what time?

**CHAIRMAN BINDER:**

At 12:30, right at 12:30 and I'm hoping to finish in five minutes, by 12:35 so everyone can go to lunch. All those in favor? Opposed? We're recessed.

***(\*The meeting was recessed at 3:58 P.M.\*)***

***Legislator Allan Binder, Chairman  
Rules Committee***

\\_ \\_ • ***Denotes Spelled Phonetically***